



PACIFIC NORTHWEST SECTION
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Washington Water Utilities Council

October 2, 2013

Fran Sant
Department of Ecology
SEPA Rule Coordinator
PO Box 47600
Olympia, WA 98504-7600

[Sent via email to: fsan461@ecy.wa.gov]

RE: SEPA Categorical Exemption Rulemaking

Dear Fran:

The Washington Water Utilities Council (WWUC) is a coalition of water and wastewater utilities, including cities, sewer-water districts, public utility districts, and mutual, cooperative, and privately-owned systems. The WWUC has been following Ecology's SEPA categorical exemption rulemaking, and would like to express our appreciation for Ecology's efforts.

The WWUC specifically supports the proposal in Ecology's discussion draft to modify the existing categorical exemption for the installation or construction of storm water, water, and wastewater pipes from 8 inch pipes to 12 inch pipes. (Proposed WAC 197-11-800(23)). The WWUC and its members support this revision because it will streamline the process for installing and maintaining basic infrastructure at a reduced cost, but without compromising environmental protections. The rationale for modifying this exemption is explained in greater detail in the attached memorandum prepared by the WWUC.

If you have any further questions, please contact Bob Pancoast at 206.819.4215.

Sincerely,

Bob Pancoast, Chair
WWUC Issues and Priorities Committee

Enc.

Washington Water Utilities Council

Proposal for SEPA Categorical Exemption Revision

Introduction

SEPA is a state policy enacted in 1971 that requires all state and local agencies to review and disclose the likely environmental consequences, to both the natural and the built environment, of a proposal before it is approved or denied. Many new laws (Growth Management Act, Coordinated Water System Planning Act, etc.) and procedures have been implemented since SEPA was first adopted. In 2ESSB 6406, Section 301), the 2012 Legislature directed the Department of Ecology to update the SEPA rules. The first phase of this process will focus on two specific topics:

1. Thresholds triggering SEPA review for minor construction projects in Washington Administrative Code (WAC) 197-11-800(1) and (23)(c); and,
2. The SEPA checklist in WAC 197-11-960.

SB 6406 specifically directs Ecology to create an advisory committee to assist with the SEPA rule updates. Ecology envisions this being a small group of individuals with in-depth experience with implementing SEPA. As directed by the bill, the committee will be drawn from the wide range of interests affected by SEPA. Ecology will look to the committee members to help us keep interested associations and organizations informed during the 18-month update.

When completed, this will clarify the conditions under which a minor construction project will require SEPA review. Ecology anticipates adopting these rule amendments by December 31, 2012. The legislation also directs Ecology to follow this initial rule making with a more comprehensive update to the SEPA rule with amendments, to be completed by December 31, 2013.

Washington water utilities have expressed a desire for many years to increase the categorical SEPA exemption from the current 8-inch or less pipeline size. The SB 6406 process provides an opportunity for WWUC to promote increasing the categorical exemption from the current 8-inches or less to 12-inches or less. The proposed WWUC revisions to WAC 197-11-800 are shown below.

Proposed Change to Categorical Exemptions

WAC 197-11-800

Categorical exemptions.

(23) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines ~~eight~~ twelve inches or less in diameter.

Rationale

- There is no significant difference in environmental impacts between installation of 8-inch pipeline and 12-inch pipeline. Similar, if not identical, sized excavation and support equipment are used for the installation of both sizes of pipeline. While the specific trench excavation is required to be several inches wider and deeper for a 12-inch pipeline compared to an 8-inch pipeline, this small increase is inconsequential in the overall real width of the impacted area which is determined by the operational width of the machinery and the adjacent cast spoil pile of soil excavated from and returned to the trench. Reclamation and repaving are identical for both size pipelines. Therefore, the final area disturbed does not change as a result of an increase in pipeline from 8-inch to 12-inch.
- The existing 8-inch categorical exemption is overly burdensome to the Public (local government taxpayers and public utility ratepayers) and does not provide any realized additional environmental benefit for the additional cost of SEPA determinations for pipelines between 8-inch and 12-inches in diameter.
- Typically increased pipeline size installations are usually required to meet fire flow requirements for in-structure fire sprinkler systems and fire hydrants, not water supply demand. Recent proposed legislation and proposals to the State Building Code Council have promoted the use of indoor sprinkler systems for all new residential housing. In addition, many local governments have revised their fire protection policies and support the installation of adequate fire protection both within and outside of the UGA. Restricting the categorical exemption to 8-inches is an unnecessary and burdensome restriction on ensuring adequate fire protection for human health.
- Increasing the categorical exemption for storm water, water, and sewer lines from eight inches or less to twelve inches or less will bring the SEPA exemptions more in line with SEPA exemptions for other utilities. For example, natural gas utilities are categorically exempt for ALL distribution mains and many of these natural gas systems have mains up to 16-inches in diameter. The installation of all communication lines including cable TV and underground electric utility transmission lines are ALL categorically exempt. Often these communication and electric lines are constructed in a joint trench that may be 4 to 5 feet in width. The impacted footprint of these other utilities underground operations is equal to or greater than the installation of a 12-inch pipeline. Categorical exemptions should be brought to a parity for all utilities by increasing the categorical exemption for storm water, water and sewer lines to twelve inches or less.